Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1 and 3-5 remain in the application.

In item 5 on page 5 of the above-identified Office action, claims 1 and 3-5 been objected to as being indefinite under 35 U.S.C. § 112.

In a telephone conversation with the Examiner on July 9, 2007 the Examiner indicated that he had discussed the above-noted rejection with a primary Examiner. The Examiner indicated that claim 1 does meet the requirements of 35 U.S.C. §112, second paragraph. Therefore, the rejection is moot and will not be discussed further.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, second paragraph. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved.

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In item 8 on page 6 of the Office action, claims 1 and 5 have been rejected as being unpatentable over Krebs Fig. 4 in view of Garabedian (US 4,986,956) under 35 U.S.C. § 103(a).

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, *inter alia*:

> the outlet nozzle of the condensation tube being formed by a tube section having a beveled end defining an outlet opening directed towards the surface defining the horizontal.

It is noted that the comments pertaining to this rejection from the previous responses are still valid and are herewith incorporated their entirety.

As already explained several times, a particularly careful and advantageous introduction of the medium is achievable in view of the flow conditions with the targeted inclination of the inlet tube in accordance with the present invention, wherein

the longer flange of the slanted inlet tube extends along the underside thereof. Particularly, in the configuration as claimed, the medium is introduced via the exit surface of the inlet tube, the surface normal of which is in an upward direction toward the surface of the liquid. This is correctly acknowledged by the Examiner and is shown in the figure labeled "Mirror of Instant App. Fig. 1", on page 4 of the Office action, by the arrow illustrated in the figure.

On page 3 of the Office action, the Examiner alleges that "the combination of Krebs and Garabedian does indeed disclose a tube section having a beveled end defining an outlet opening directed towards the surface defining the horizontal as shown below."

Applicants respectfully note that the Examiner is in error. Particularly, Both Krebs and Garabedian disclose an inlet tube, the exit surface of which - identified by the surface normal - causes the flow medium to exit in a downward direction away from the surface of the liquid. This is illustrated by the arrows P in the enclosed marked-up copy of page 3 of the Office action. As is easily seen in this illustration, Krebs and Garabedian disclose show common features regarding the flow guidance of the introduced medium. Namely, that in both cases the medium is introduced in the direction toward the bottom of

the vessel. As is clear to a person of ordinary skill in the art, an essential criterion of interpretation for the plant in its entirety is the actual flow guidance when introducing the medium, specifically, the dynamics during the mix-up of the media as a consequence of the introduction. Accordingly, Garabedian and Krebs disclose one and the same concept with regard to the flow guidance during the introduction of the medium. Namely, that the introduction of the medium is in the direction toward the bottom of the vessel. Therefore, there is no motivation, teaching, or suggestion for a person of ordinary skill in the art to modify Krebs in view of Garabedian to introduce the medium in an upward direction instead of the downward direction. In fact because both Krebs and Garabedian disclose that the introduction of the medium is in the direction toward the bottom of the vessel, both Krebs and Garabedian explicitly teach away from introducing the medium an upward direction. Accordingly, it is respectfully noted that the Examiner's allegation with respect to the combination of Krebs and Garabedian, is in error.

Moreover, if a person of ordinary skill in the art, were to combine Krebs and Garabedian and alter the pipe of Krebs with the bevel of Garabedian. It would necessarily follow that the pipe of Krebs would be beveled in a direction towards the bottom of the vessel.

As seen from the above-given remarks, any teaching, suggestion, or incentive possibly derived from the prior art is only present with hindsight judgment in view of the instant application. "It is impermissible, however, simply to engage in a hindsight reconstruction of the claimed invention, using the applicant's structure as a template and selecting elements from references to fill the gaps. . . . The references **themselves** must provide some teaching whereby the applicant's combination would have been obvious." In re Gorman, 18 USPQ2d 1885, 1888 (Fed. Cir. 1991) (emphasis added). Here, absolutely no such teaching is present in the cited references.

As seen from the above-given remarks, claim 1 is not obvious over Krebs in view of Garabedian.

Since claim 1 is allowable over Krebs in view of Garabedian, dependent claim 5 is allowable over Krebs in view of Garabedian as well.

In item 10 on page 7 of the Office action, claims 3 and 4 have been rejected as being unpatentable over Krebs Fig. 4 in view of Garabedian and further in view of either John et al. ("Introduction to Fluid Mechanics," Second Edition)

(hereinafter "John") or Nayyer ("Piping Handbook," Seventh Edition) under 35 U.S.C. § 103(a). Neither John nor Nayyer make up for the deficiencies of Krebs and Garabedian. Since claim 1 is believed to be allowable, dependent claims 3 and 4 are believed to be allowable as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1 and 3-5 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

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Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,

For Applicant(s)

Alfred K. Dassler
52,794

AKD:cgm

August 14, 2007

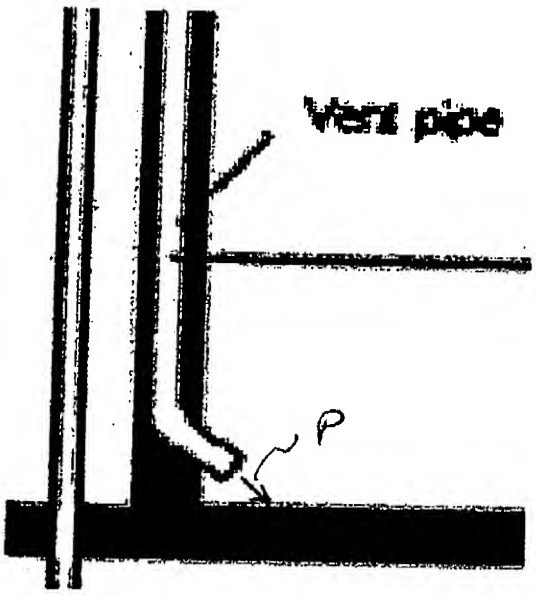
Lerner Greenberg Stemer LLP
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101

Again, Garabedian sets forth in, for example, column 6, lines 11-15 that it is it old and advantageous to cut the angle of the outlet nozzle at a 45 degree angle for the benefit of eliminating major hydrodynamic pressure disturbances due to a chugging type of steam condensation.

Further, the Examiner has cited case law on said page 8 of said 6/20/2006 Office action that it would be obvious to vary the angle of the outlet nozzle to achieve a desired result, i.e. less chugging.

The COMBINATION of KREBS and GARABEDIAN does indeed disclose a tube section having a beveled end defining an outlet opening directed towards the surface defining the horizontal as shown below.

KREBS



GARABEDIAN

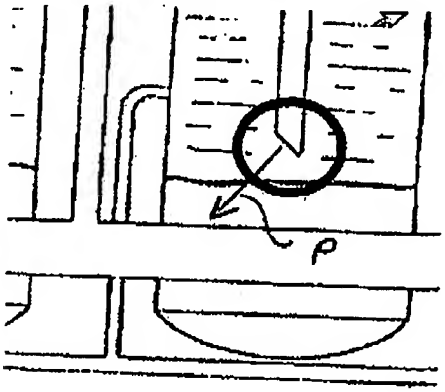


FIG. 6A